

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

HYUNDAI MOTOR AMERICA, INC. and)
HYUNDAI MOTOR COMPANY,)
Plaintiffs,)
vs.)
DIRECT TECHNOLOGIES)
INTERNATIONAL, INC. d/b/a DTI, INC.,)
Defendant.)

)

) Civil Action No. 3:17-cv-732
)

) **JURY TRIAL DEMANDED**
)

**DEFENDANT DIRECT TECHNOLOGIES INTERNATIONAL, INC.’S EMERGENCY
MOTION AND HEARING REQUEST TO STAY ITC INVESTIGATION AND FOR
PRELIMINARY INJUNCTION BARRING HYUNDAI MOTOR AMERICA, INC. AND
HYUNDAI MOTOR COMPANY FROM PURSUING EXCLUSION OF
REPLACEMENT AUTOMOTIVE SERVICE AND COLLISION PARTS IN THE
INTERNATIONAL TRADE COMMISSION**

Defendant Direct Technologies International, Inc. (“DTI”), pursuant to 28 U.S.C. § 1651 (“All Writs Act”) and the Court’s inherent authority to render all writs necessary in aid of its jurisdiction, moves the Court for an emergency order staying the ITC Proceeding and for a preliminary injunction restraining Plaintiffs Hyundai Motor America, Inc. (“Hyundai USA”) and Hyundai Motor Company’s (“Hyundai International”) (collectively, “Hyundai”) from participating in the International Trade Commission (“ITC”) action, pursuing, or seeking to enforce an exclusion order, cease and desist order, or any other type of injunction issued by the ITC as to certain replacement automotive service and collision parts and components thereof, pending the resolution of this action.

Of particular importance, the enforcement of the exclusion order that Hyundai seeks in its ITC complaint—which would exclude replacement automotive service and collision parts and

components thereof causing only Hyundai's "preferred" distributors to be able to distribute such products—will magnify Hyundai's anticompetitive conduct and undermine this Court's ability to provide the appropriate relief. Hyundai has chosen the Western District of North Carolina to litigate this case in. Hyundai is now forum shopping in hopes of obtaining favorable relief from the ITC, exerting financial pressure on DTI, and prohibiting DTI from asserting its antitrust counterclaims in the ITC action.

Pursuant to LCvR 7.1(b), prior to the filing of this motion, on June 12, 2019 counsel for Defendant conferred in good faith with Plaintiff's counsel who indicated that they do not agree with DTI's position and do not consent to this motion.

Based on the foregoing and the Memorandum of Law that will be submitted contemporaneously herewith, DTI respectfully moves this Court for an emergency hearing and Order staying the ITC action and enjoining Hyundai from participating in the ITC action, pursuing, or seeking to enforce an exclusion order, cease and desist order, or any other type of injunction issued by the ITC as to certain replacement automotive service and collision parts and components thereof. Further, given the urgency of this Motion DTI respectfully requests a hearing at a time convenient for this Court.

This the 12th day of June, 2019.

Respectfully submitted,

s/ Lucas D. Garber
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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically and electronically notify all counsel of record in this case.

s/ Lucas D. Garber

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